

Draft Proposals for the Establishment of Village and Rural Districts as Part of the Implementation of the 2005 Comprehensive Plan Update

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Copies of the proposed Zoning Map that accompany these recommendations are available on-line or at the Town Office for \$3.

The Comprehensive Plan implementation committee would appreciate your comments.

Please send comments to the attention of Town Planner Jay Chace at jchace@town.harpswell.me.us, or by mail PO Box 39, Harpswell, ME 04079.

Village Districts

1 Purpose

The purpose of the Village District is to minimize suburbanization and sprawl and to encourage new growth in the district; to promote pedestrian movement and street life by placing homes, shops, workplaces and public buildings in close proximity; to reduce vehicular traffic; to provide locations for town life such as greens, parks, natural lands and civic buildings; to promote living opportunities for residents of all ages and financial means; and to promote a pattern of development that provides for cost effective public investment for required public services.

2 Delineation

Village Districts shall be delineated as shown on the Official Zoning Map of the Town of Harpswell.

3 Relationship to Other Regulations

To the extent the provisions of this section are in conflict with or are inconsistent with other provisions of this Ordinance or any other Ordinance, except for the Shoreland Zoning Ordinance, the provisions of this section shall govern and prevail even if such other provisions are more restrictive than those set forth in this section.

4 Dimensional Requirements

Lots located within the Village District shall be subject to the dimensional standards set forth below:

4.1 Individual Building Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size	40,000 sq. ft.	40,000 sq. ft.
Minimum Rear and Side Property Line Setback	20 ft.	20 ft.
Minimum Road Setback	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	• 150 ft.	150 ft.

4.2 Subdivision Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size Standards for Subdivisions	<ul style="list-style-type: none"> • 20,000 sq. ft. 	80,000 sq. ft.
Common Space Requirements	<p>Common space must comprise at least the percentage of the total buildable acreage of the original lot prior to subdivision as indicated below:</p> <ul style="list-style-type: none"> • 0% for lots less than 160,000 sq. ft.(approximately 3.5 acres) • 20 % for lots 160,001 to 320,000 sq. ft. (approx. 3.5- 7 acres) • 30% for lots 320,001 to 640,000 sq. ft. (approx. 7-14.5 acres) • 40% for lots 640,001 to 1,280,000 sq. ft. (approx. 14.5-29 acres) • 50% for lots greater than 1,280,001 sq. ft. (approx. 29 acres) 	
Lot Size Standards for Cluster Subdivisions	<p>The applicant may propose an alternative subdivision design to create a stronger neighborhood character and provide for additional common space.</p> <ul style="list-style-type: none"> • Minimum lot size may be 12,000 sq. ft • Maximum project density shall be 2 dwellings per 40,000 sq. ft. • Percentage of common spaces, as described above must be maintained 	Alternative lot size provision- 25,000 sq. ft. with at least 50% of total acreage held in common open space.
Minimum Rear and Side Property Line Setback	15 ft.	20 ft.
Minimum Road Setback	20 ft. from lot line or edge of traveled way, whichever results in a greater setback	40 ft.

Minimum Road Frontage	<ul style="list-style-type: none"> • 65 ft. if in a cluster subdivision project that is not located along a State Aid road • 80 ft. for a non-cluster subdivision that is not located along a State Aid road • 150 ft. for all subdivisions located along a State Aid road 	<ul style="list-style-type: none"> • 65 ft. if utilizing alternative lot size provision • 150 ft.
Septic systems and wells	Septic systems and wells may be sited in common area Applicant must demonstrate adequate septic system.	

4.3 Two-Family Dwelling Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size	<ul style="list-style-type: none"> Two-family dwellings shall require a lot containing at least 40,000 sq. ft. For each additional gallon of wastewater generated in excess of 480 gallons per day, the lot must have a minimum of 67 sq. ft. of additional area. Calculate daily wastewater flow based on 120 gallons per bedroom per day 	Under current Harpswell ordinance regulations a two-family dwelling would require a minimum of an 80,000 sq. ft lot size
Minimum Rear and Side Property Line Setback	20 ft	20 ft.
Minimum Road Setback	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	<ul style="list-style-type: none"> 150 ft. on State Aid roads 	150 ft.
Curb Cuts	Shared curb cuts are required	Required permit for curb cuts on State Aid roads.

The Rural District

1 Purpose

The purpose of the Rural District is to preserve its natural features and accommodate growth consistent with the character of the district. The features of the Rural District include a natural landscape of forest, field, and water along with wetlands, flood plains, steep hillsides, and critical habitat areas.

2 Delineation

The Rural District shall be delineated as shown on the Official Zoning Map of the Town of Harpswell.

3 Relationship to Other Regulations

To the extent the provisions of this section are in conflict with or are inconsistent with other provisions of this Ordinance or any other Ordinance, except for the Shoreland Zoning Ordinance, the provisions of this section shall govern and prevail even if such other provisions are more restrictive than those set forth in this section.

4 Dimensional Requirements

Lots located within the Rural District shall be subject to the dimensional standards set forth below:

4.1 Individual Building Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size	80,000 sq. ft.	40,000 sq. ft.
Minimum Rear and Side Property Line Setback	20 ft	20 ft.
Minimum Road Setback	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	150 ft.	150 ft.
Curb Cuts		Required permit for curb cuts on State Aid roads.

4.1.1 Exemption from Individual Building Lot Standards *(language needs to be dressed up)*

The owner of a property in the Rural District shall be able to create a lot pursuant to the minimum lot standards of the Basic Land Use Ordinance, Section 11.1 provided that the division of land be accomplished by gift to a person related to the donor of property held by the donor as of the effective date of this Ordinance, unless the intent of the transfer is to avoid the objectives of the Rural District.

4.1.1.1 If the real estate exempt under Section 4.1.1 is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in Section 4.1.1, then the previous exempt division creates a lot or lots for the purposes of a subdivision.

4.1.1.2 “Person related to the donor” means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this exemption can not be given for consideration that is more than ½ the assessed value of the real estate.

**CPIC note: Language used came from Title 30-A §4401 (4)(D-4)*

4.2.1 Subdivision Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
All Subdivisions	<ul style="list-style-type: none"> Overall project density shall not exceed 1 dwelling unit per 80,000 sq. ft.; Common space must comprise of at least 60% of the total acreage of the original lot prior to subdivision. 	Alternative lot size provision- 25,000 sq. ft. with at least 50% of total acreage held in common open space.
Minimum Lot Size	25,000 sq. ft.	80,000 sq. ft.
Minimum Rear and Side Property Line Setback	20 ft	20 ft.
Minimum Road Setback	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	150 ft.	<ul style="list-style-type: none"> 150 ft. 65 ft. if utilizing alternative lot size provision
Curb Cuts	Shared curb cuts are required	Required permit for curb cuts on State Aid roads.
Septic systems and wells	<ul style="list-style-type: none"> Septic systems and wells may be sited in common area Applicant must demonstrate adequate septic system. 	No change

4.3 Development Along State Route 123, State Route 24, Mountain Road and Cundy's Harbor Road

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Road Setback	<p>100 ft. from lot line or edge of traveled way, whichever results in a greater setback</p> <p><i>Consideration should be given to allowing the Planning Board to determine if the setback may be encroached upon if no other reasonable alternative exists and if this would prevent other more critical natural features from being developed on a particular site.</i></p>	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
	<ul style="list-style-type: none"> • If land is proposed for subdivision and at the time of application such land is wooded, a wooded buffer strip no less than 50 ft. in width shall be left along the road right-of-way. 	<ul style="list-style-type: none"> • If land is proposed for subdivision and at the time of application such land is wooded, a wooded buffer strip no less than 25 ft. in width shall be left along the road right-of-way. • If land is proposed for subdivision and at the time of application such land is not wooded, a wooded buffer strip no less than 25 ft. in width shall be planted and maintained along the road right-of-way.

Design Process for Creating Common Spaces in Subdivisions

1) What to Preserve

The area to be designated as a common space or otherwise preserved as part of the development shall be delineated based upon the Primary and Secondary Conservation Areas.

Primary Conservation Areas are those lands that are unbuildable.

Secondary Conservation Areas are those lands as identified below;

Preservation of Community Character

- Undeveloped farmland and fields
- Landscape buffer at least 100' beside State Aid roads
- Undeveloped scenic vistas as identified in the Comprehensive Plan for Harpswell
- Undeveloped land contiguous with existing common space

Protection of Natural Resources

- Buffer strip of naturally vegetated area at least 150 ft. wide adjacent to an open water source
- Buffer strip of naturally vegetated area at least 75 ft. wide on both sides of a stream, including ponds and wetlands associated with the stream.
- Rare, significant, or endangered species habitat as identified in the by state, federal, or local agencies.
- Other significant habitat as delineated by state and federal agencies or as identified by the town through an on-site inspection.

Preservation and Creation of Buffers

- Land preserves must have at least 100 ft. of buffer area between residential development and more intense land uses (e.g., commercial uses, highways) or dedicated common space.

Promotion and Creation of Linkages

- Land preserves an existing or proposed trail link.

2) Designing the Common Space

- All common space shall be part of a larger continuous and integrated common space system within the parcel being developed. At least 75 percent of the common space shall be contiguous to another common space area.
- Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or to restore their overall condition and natural processes.
- No part of a common space shall be less than 50 ft. in its smallest dimension and less than 10,000 square ft. in area. Common space not meeting this standard is allowed as an added project enhancement, but shall not be counted toward the required project common space.
- The boundaries of common spaces shall be marked wherever possible by natural features, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings,

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fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the common space ends and private lot areas begin. Where structural demarcations, such as fences are used, they shall be the minimum needed to accomplish this objective.

- Common space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

3) Siting of Buildings

- Potential building sites shall be tentatively located taking into consideration the proposed common space and/or the Primary and Secondary Conservation Areas identified as well as other relevant data from the Site Plan, such as topography and soils.
- Building sites should generally be located at least 100 ft. from Primary Conservation Areas and at least 50 ft. from Secondary Conservation Areas, taking into consideration the potential negative impacts of development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences and other uses.

4) Alignment of Road System

- Based upon the designated building sites, a circulation plan shall be designed to provide vehicular and pedestrian access to each site. The street layout shall bear a logical relationship to topographic conditions.
- Impacts of the street plan on proposed conservation lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and minimizing cut and fill.
- Street connections shall generally be encouraged to facilitate access to and from buildings in different parts of the subdivision.